

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRANDON MCCROSKEY, ET AL., :
:
Plaintiffs, : **CASE NO. C-01-429**
:
v. : **Judge Spiegel**
:
BUTLER COUNTY SHERIFFS :
OFFICE :
:
Defendant. :

**PLAINTIFFS' MOTION TO EXTEND TIME
TO FILE MEMORANDUM IN OPPOSITION
TO DEFENDANT' S MOTION FOR SUMMARY JUDGMENT**

Plaintiffs, Brandon McCroskey, et al., respectfully move this Court for an order extending the time thirty (30) days for responding to Defendant' s motion for summary judgment, as Plaintiffs' counsel is relocating to new offices and is thereby unable to complete the response memorandum in the allotted time. A memorandum in support of this motion is attached hereto.

Respectfully submitted,

SIRKIN, PINALES, MEZIBOV & SCHWARTZ LLP

/s/ Marc D. Mezibov
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Counsel for Plaintiffs

MEMORANDUM

On November 5, 2003, Defendant filed a motion for summary judgment in the present matter. Pursuant to the Federal Rules of Civil Procedure and the Local Rules, Plaintiffs' response is due on November 29, 2003. Plaintiffs' counsel is working diligently to respond to the motion. However, due to Plaintiffs' counsel's formation of a new law firm, counsel is presently relocating to new offices. Counsel expects to be settled in the new location and have access to all relevant files in this matter within the next two weeks. Accordingly, Plaintiff's counsel will be unable to complete the response memorandum in the allotted time. Defendant's counsel has been contacted and does not oppose the proposed thirty (30) day extension.

For the reasons outlined above and in the interest of justice, Plaintiffs respectfully request that this Court grant this motion to extend time for filing their memorandum in opposition to the motion for summary judgment until December 29, 2003.

Respectfully submitted,

SIRKIN, PINALES, MEZIBOV & SCHWARTZ LLP

/s/ Marc D. Mezibov

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served upon Jack C. McGowan, 246 High Street, Hamilton, Ohio 45011, by U.S. mail postage prepaid, this eleventh day of November, 2003.

/s/ Marc D. Mezibov
MARC D. MEZIBOV (Ohio Bar No. 0019316)